



National Labor Relations Board

Weekly Summary

of

NLRB Cases

Office of Public Affairs

Washington, D.C. 20570

Tel. (202) 273-1991

Dec. 18, 2009

W-3239

CASE SUMMARIZED
VISIT WWW.NLRB.GOV FOR FULL TEXT

Crete Cold Storage, LLC	Crete, NE	2
---	-----------	---

OTHER CONTENTS

Unpublished Board Decisions and Orders in Representation Cases <ul style="list-style-type: none">• Uncontested Reports of Regional Directors and Hearing Officers• Request for Review of Regional Director's Decision and Direction of Election and Decision and Order• Miscellaneous Board Decision and Order	2
Decisions of Administrative Law Judges	3

The Weekly Summary of NLRB Cases is prepared by the NLRB Office of Public Affairs and is available on a paid subscription basis. It is in no way intended to substitute for the professional services of legal counsel, or for the authoritative judgments of the Board. The case summaries constitute no part of the opinions of the Board. The Office of Public Affairs has prepared them for the convenience of subscribers.

If you desire the full text of decisions summarized in the Weekly Summary, you can access them on the NLRB's Web site (www.nlr.gov). Persons who do not have an Internet connection can request a limited number of copies of decisions by writing The Office of Public Affairs, 1099 14th Street, NW, Suite 11550, Washington, DC 20570 or fax your request to 202/273-1789. As of August 1, 2003, Administrative Law Judge decisions are on the Web site.

Crete Cold Storage, LLC (17-CA-24469; 354 NLRB No. 114) Crete, NE Dec. 9, 2009. The Board adopted the administrative law judge's findings that the Respondent violated Section 8(a)(5) and (1) of the Act, by withdrawing recognition from the Union and by failing or refusing to furnish the Union with information requested by it. With regard to the withdrawal of recognition allegation, the Board rejected the Respondent's argument that the evidence established a decrease in union membership. The Board pointed out that a determination of "majority support" turns on whether a majority of unit employees wish to be represented by a particular union, not on whether a majority chooses to become members of that union or choose to authorize the checkoff of union dues. See *Trans-Lux Midwest Corp.*, 335 NLRB 230, 232 (2001), *enfd. mem.* 53 Fed.Appx. 571 (D.C. Cir. 2002); *T.L.C. St. Petersburg, Inc.*, 307 NLRB 605, 605 (1992), *enfd.* 985 F.2d 579 (11th Cir. 1993); see also *Narricot Industries*, 353 NLRB No. 82, slip op. at 2 (2009) (evidence of decreased union membership does not provide "objective proof of a union's loss of majority support"). [\[HTML\]](#) [\[PDF\]](#)

(Chairman Liebman and Member Schaumber participated.)

Charge filed by United Food and Commercial Workers International Union, AFL-CIO, CLC, Local No. 271; complaint alleged violations of Section 8(a)(5) and (1). Hearing at Lincoln, June 24, 2009. Adm. Law Judge John H. West issued his decision Aug. 17, 2009.

UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

*(In the following cases, the Board adopted the Reports of
Regional Directors or Hearing Officers in the absence of exceptions)*

DECISION AND CERTIFICATION OF REPRESENTATIVE

Laparkan Trading Limited, Brooklyn, NY, 29-RC-11800, Dec. 9, 2009.

Party City Corporation, a subsidiary of Amcan Holdings, Inc., Salinas, CA, 32-RC-05691, Dec. 10, 2009.

DECISION AND ORDER [remanding to the Regional Director for further appropriate action]

Sutter Health Sacramento Sierra Region d/b/a Sutter Roseville Medical Center, Roseville, CA, 20-RD-02475, Dec. 9, 2009.

DECISION, ORDER, AND DIRECTION OF SECOND ELECTION

The Original Mowbray's Tree Service, Inc., San Bernardino, CA, 31-RC-08758, Dec. 10, 2009.

***(In the following case, the Board denied the request for review
of the Decision and Direction of Election (D&DE) or the
Decision and Order of the Regional Director)***

Audubon Nature Institute, Inc., New Orleans, LA, 15-RC-08811, Dec. 10, 2009.

Miscellaneous Board Decision and Order

**ORDER [denying the Employer's request to consider
submission pursuant to *Reliant Energy*]**

MasTec Direct TV, Kingsport, TN, 10-RC-15707, Dec. 10, 2009.

DECISIONS OF ADMINISTRATIVE LAW JUDGES

United States Postal Service (Mail Handlers Local 317) Birmingham, AL Dec. 7, 2009.
10-CA-37903; JD(ATL)-32-09, Judge Keltner W. Locke.

Phoenix Labs Rising, LLC (Teamsters Local 202) Farmingdale, NY Dec. 9, 2009.
29-CA-29204; JD(NY)-42-09, Judge Eleanor MacDonald.

Swift Transportation Co., Inc. (Teamsters) Wilmington, CA Dec. 9 2009. 21-CA-38735;
JD(SF)-46-09, Judge Lana Parke.

The Brooklyn Hospital Center (New York Nurses Association) Brooklyn, NY Dec. 10, 2009.
29-CA-29323; JD(NY)-43-09, Judge Steven Fish.

Bebley Enterprises, Inc. (Painters Local 7) Toledo, OH Dec. 11, 2009. 8-CA-38181; JD-60-09,
Judge Arthur J. Amchan.
